

Motion for scheduling order

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 4/1/2024
DATE FILED: 4/1/2024

your honor, the mediation session in this case has concluded and because of such, the Plaintiff will like to renew his request for a scheduling order in the consolidated matter.

Secondly, the Plaintiff will like the court to express on the record, which dates are documented as the deadline for the Defendants to answer to the complaint in both matters (Docket #'s, 23-cv-6704 and 23-cv-6727) (thank you).

Name: Robert Derek Lorch Jr.

Date: 3/18/2021

Signature: LR

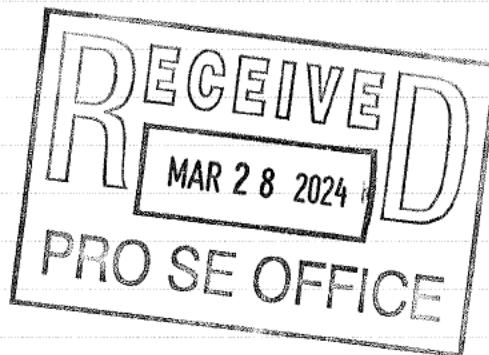
Docket #: ① 23-cv-6704 and ② 23-cv-6727

The issues raised herein will be addressed at the telephone conference scheduled for April 16, 2024 at 2:30.

SO ORDERED:

4/1/2024


HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE



EXHIBITS

Name: Robert Derek Lorch Jr. Date: 3/13/2024 Signature: RLJ

Docket #: 23-cv-6727

"EXHIBIT A"

"Prehospital summary care report showing NYPD initially told EMTs that the Plaintiff stole chips and became aggressive when asked to leave"

- The conduct the Plaintiff was initially accused of constitutes theft and criminal trespassing and does not meet the criteria for satisfying a seizure under Mental Hygiene Law 9.41 without more.
- It was not noted other than the finding of the Plaintiff being aggressive what behavior was displayed by the Plaintiff that assisted officers in making the determination that the Plaintiff was aggressive.

07/26/2023 - ED in Bellevue ED Psych Adult (continued)

ACR Scan

Ambulance Call Report - Document on 7/27/2023 0123

Clinical date/time: 7/26/2023 0000
Description: ACRUser: Bias, Lawrence Ulyse
Status: Received

Document (below)

Prehospital Care Report Summary

FDNY

9 MetroTech Center; 7th Floor; Brooklyn, NY 11201

Date:07/26/2023 Call #:3747 Booklet:89368836 Branch: STA04 Time Zone:America/New_York

Call Information:

	# Patients Transported		
Billing Disposition:	Treated/Transported (10-82)	In My Unit:	1
Initial Patient Acuity:	Stable	# Patients at Scene:	1
Unit #: 01C3 - 01C Tour 3, Ground-Ambulance - BLS Trip Type: Initial Trip		Call Received:	18:41:09
Run Type to Scene: Emergency Response (Primary Response Area) Emergent (Immediate Response)		Dispatched:	18:41:54
Service Requested: Emergency Response (Primary Response Area)		En Route:	18:42:09
Incident Facility:		At Staging Area:	
Incident Location: E 14 ST/4 AVE - Manhattan, NY 10003 (New York County)		On Scene:	18:43:32
Incident Location Type: Street/Hwy		Patient Contact:	18:46:24
Receiving Facility: 2 - Bellevue (Hospital) - 472 1 Avenue - NY, NY 10016		Transfer of EMS	
Facility Address: 472 1 Avenue - NY, NY 10016		Patient Care:	
Destination Type: Hospital Emergency Department		Left Scene:	18:59:36
Dest. Reason: Nearest/Most Accessible Facility		At Destination:	19:12:45
Hospital Capability: Hospital (General)		Destination Patient	
Condition of Patient At Destination: Improved		Transfer of Care:	19:41:03
Registration # N/A		In Service:	19:48:38
Loaded Mileage: 1.3 (Total Mileage: 1.3)		Time On Scene:	16 Min
Crew Members: Tyler DiLorenzo #1629, EMT Basic(DS)/(DH); Alyssa Fioravante #1879, EMT Basic(DOC)		Time to Destination:	31 Min
Moved to Amb By: Walked With Assist Transport Position: Sitting From Amb By: Walked With Assist		Total Time of Run:	67 Min

ET3: Emergency Treat, Triage, and Transport:

Does this patient meet ET3 Treat in Place or Alternate Destination criteria? Unknown

Call Origin: N/A Lights/Siren: Scene - Lights and Sirens, Destination - No Lights and Sirens

Patient Information:

Name:	ROBERT D LURCH	DOB:	11/28/1990
Address:	Homeless HOMELESS	Gender:	Male
Phone:		Age:	32 Years
Email:		Weight:	175.0 lbs, 79.38 kg
SSN:	086-80-3060	Broselow:	
Driver License:	305177752		

Current Meds:

Comments:

None

Env Allergies: NKA

Comments:

Med Allergies: HALDOL (HALOPERIDOL)

Comments:

Patient Physician:

Advance Directives:

Recent Exposure to Infectious Disease: No

PMH: Psychiatric Problems, Other

Comment: Psychiatric Problems: Bi-Polar

Patient Physical Limitations:

Comment:

Payer Information:

Work Related: No	Type: Medicaid	Policy #: us80170q	Group #: 60048688273 80170039
Priority: Primary Name: Medicare or Medicaid		Phone:	DOB:
Policy Holder: , Apt: , Relationship of Patient to Insured: Self			

07/27/23 01:05

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FDNY

BK: 89368836 Call #:3747 Pg 1 of 4

PCR 1 of 1

07/26/2023 - ED in Bellevue ED Psych Adult (continued)

ACR Scan (continued)

Clinical:

Onset Date/Time: 07/26/23 18:30:05
 Dispatch Reason (EMD): PD13C PD13C - Police 10-13 Confirmed
 Medical Need:

Chief Complaint (Primary): EDP Duration: 1 Minutes
 Anatomic Location: General/Global
 Provider Impression: Psychiatric Emerg.
 Was this event weather related?: No
 Mechanism of Injury:

Protocol 1:

Protocol 2:

Assessments:

Time	Employee	Type	Summary
18:46:24	Floravante #1879, ABC Alyssa		<u>Airway:</u> General: Patent: Yes <u>Breathing:</u> Rate: Normal: Yes Quality: Unlabored: Yes Lung Sounds: Left: Clear: Yes Lung Sounds: Right: Clear: Yes <u>Circulation:</u> General: Normal: Yes Skin Capillary Refill: Normal Skin Color: Normal: Yes Skin Temperature: Normal: Yes <u>Skin Condition:</u> Normal: Yes
18:46:24	Floravante #1879, Head To Toe Alyssa		<u>Head and Neck:</u> Head: Normal: Yes Left Eye: PERRL: Yes Right Eye: PERRL: Yes Neck: Normal: Yes <u>Chest and Back:</u> Cervical: Normal: Yes Thoracic: Normal: Yes Lumbar/Sacral: Normal: Yes <u>Abdomen and Pelvis:</u> LUQ Abdomen: Normal: Yes RUQ Abdomen: Normal: Yes LLQ Abdomen: Normal: Yes RLQ Abdomen: Normal: Yes Pelvis: Normal: Yes <u>GI:</u> Normal: Yes <u>Arms and Legs:</u> Left Arm: Normal: Yes Right Arm: Normal: Yes Left Leg: Normal: Yes Right Leg: Normal: Yes
18:46:24	Floravante #1879, Neurological Alyssa		<u>AVPU:</u> Alert <u>Mental Status:</u> Normal: Yes <u>Neurological:</u> All Neuro: Normal

Vitals:

Time	Employee	Summary
18:50:24	Floravante #1879, BP: 134/78 Ausculate Type: Sys: Cuff - Manual Auscultated - Dia: Cuff - Manual Alyssa	Auscultated MAP: 97 Pulse: 86 Pulse Type: Regular Pulse Measurement Method: Electronic Monitor - Pulse Oximeter Resp: 16 Effort: Normal SPO2: 99

07/26/2023 - ED in Bellevue ED Psych Adult (continued)

ACR Scan (continued)

19:00:24 Fioravante #1879, BP: 134/ 78 Ausculate Type: Sys: Cuff - Manual Auscultated - Dia: Cuff - Manual
Alyssa Auscultated
MAP: 97
Pulse: 86 Pulse Type: Regular Pulse Measurement Method: Electronic Monitor -
Pulse Oximeter
Resp: 16 Effort: Normal
SPO2: 99

Treatments/Medications:

Time	Employee	Summary
18:47:24	Fioravante #1879, Alyssa	Treatment- 1 - BLS Assessment Attempts: 1 Success: Yes Response: Improved Complication: None Authorization Type: Protocol Level: BLS

SupplyQty Supply**ECG Device Incident Number:****PowerFields:**

PowerField
Scene - Run Disposition - Run Disposition - Treated/Transported
CC / PI / MOI - Provider Impression - Primary Impression - Did call type match
presenting problem?

Value

*Treated/Transported (10-82)

No

Narrative History Text:

UPON ARRIVAL, FOUND 32 YEAR OLD MALE STANDING IN HANDCUFFS WITH NYPD. NYPD STATES PATIENT STOLE CHIPS & BECAME AGGRESSIVE WHEN HE WAS ASKED TO LEAVE.

PATIENT ALERT AND ORIENTED X3. AIRWAY PATENT AND BREATHING NORMAL. NEGATIVE CHEST PAIN. NEGATIVE BLEEDING/TRAUMA/DEFORMITIES. VITALS STABLE. PATIENT AMBULATORY.

PATIENT TRANSPORTED TO HOSP 02, IN HANDCUFFS WITH NYPD, WITH NO INCIDENTS.

Unable to Sign:

Unable to Sign Reason: Incapable- Mentally/Physically

Authorized Representative: No authorized representative is available or willing

Authorized Representative Signature: No

Secondary Documentation: Unable to obtain secondary documentation

Secondary Documentation Signature: No

Comment:

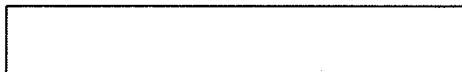
EDP IN HANDCUFFS

Auth Signature: No Privacy Sig: No Unable to Sign: Yes Refused to Sign: No

Signature Image(s):

Authorization Signature

Privacy Notice Signature

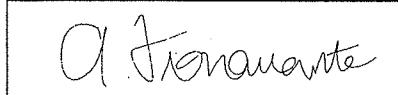


Receiving RN / MD Signature - SOTO - RN - 07/26/2023 20:41

"RN" or "Nurse" is an UNACCEPTABLE entry. Crew members MUST document the RN or Nurse's FULL NAME



Technician Signature - Fioravante #1879, Alyssa - 07/26/2023 19:00



"EXHIBIT B"

"Bellevue hospital record documenting P.o. Pilligan in less than an hour of telling EMTs that plaintiff stole chips, now tells Doctor that Plaintiff paid vendor \$1 for \$15 dollars worth of candy"

• Establishes that the justification for the initial seizure was a lie and because of such, the seizure of the Plaintiff's person on the day of the incident was a lie.

07/26/2023 ED in Bellevue ED Psych Adult (continued)

ED Provider Note (continued)

Robert Lurch is a 32 y.o. male hx mood d/o, antisocial PD, alcohol related d/o BIB NYPD/EMS for psych eval. Per NYPD officer who came with pt, pt reportedly paid vendor \$1 for \$5 dollar worth of candy; vendor called the police nearby to intervene, and after police left the pt reportedly became aggressive toward vendor who called the police again. Officer stated that pt refused to leave the area, so was brought to CPEP for psych eval. Per officer, pt not note to be talking to self, was not combative toward anyone except the vendor, and did not engage in any bizarre behaviour during their encounter. Officer also denied noticing AOB nor cannabis odour on pt.

In CPEP, pt stated that he wished to speak in private and is willing to wait until triage room is free.

In CPEP, pt stated that vendor called the officer without good reason, as he'd paid for the goods he'd taken and received change from vendor for it. Stated that he was told by the police that he had to leave, but stated that he doesn't see why he had to leave. Denied that he'd threatened the vendor, stating that if he had indeed been threatening, then why did the police not arrest him. Stated that one of the officer was touching him inappropriately. Stated that he plans to sue and request that I write down the name and series of numbers (possibly officers' name and badge numbers) that pt tells me on paper for him as pt does not have access to pen.

Pt denied changes in sleep/appetite. When asked about concentration, responded that his encounter with NYPD today will affect his concentration.

Denied AVH. Stated that he feels fearful of CPEP staff. Stated that he is recently dc'd from jail and is staying with friend

Past Psychiatric History:

- Prior diagnoses: Alcohol related disorders Unspecified/Other Bipolar Antisocial Personality Disorder Unspecified/Other Depressive Disorder
- Hospitalizations: per psyches, none
- Outpatient treatment:

• Clinic - SU	• SUCCESS COUNSELING	• 3/2	• 3/2	• Alcohol abuse,
Specialty	SVCS INC	2/2021	9/2021	uncomplicated

- Medication trials: per psyches, none
- Suicide attempts/Self-harm: Denies
- Violence: pt stated that everyone has hx of violence. Per PES 5/9/21, hx of antisocial behaviour
- Trauma/Abuse: per PES 5/9/21, hx of physical abuse

Substance Use History:

- Nicotine: Denies
- Alcohol: Denies
- Other substance use: Denies

Social History:

Psychosocial Assessment

Flowsheet Row	ED from 7/26/2023 in Bellevue ED Psych Adult
<u>Current Living</u>	
<u>Arrangements/Environment</u>	
Housing Situation	Private Residence
<u>Immigration History</u>	
Country of origin	USA
Citizenship	US
<u>Initial Plan</u>	
Disposition	Discharge